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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Items 4 and 12 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Letter dated 16 February 1998 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

In the course of the deliberations on item 4 on the agenda of the fifty-third session of the Commission on Human Rights, the PLO observer made a highly offensive racial remark, gravely wounding the deepest sensitivities of Israelis and indeed of Jews everywhere. While the Secretary-General of the United Nations has openly criticized that slur, the Commission has not yet moved to disassociate itself from this manifestation of racism in its midst.

In the past, the Commission has taken action against such aberrations. For example, during the Commission's forty-seventh session in 1991, anti-Semitic remarks similar to those of the PLO observer were made. The Chairman responded forcefully through an unequivocal letter to the then United States Ambassador of 3 July 1991, in which he stressed that racist or discriminatory sentiments must not be tolerated, since they are contrary to the Universal Declaration of Human Rights and threaten to neutralize much of the salutary work done by the international system since its adoption. Similarly, when an affront to another religion was perceived in a report submitted to the fifty-third session by a special rapporteur, the Commission wasted no time in adopting a decision on 18 April 1997, expressing indignation and protest, and calling for corrective action (which had since been taken).

The Commission can still act through its Bureau in the present case, essentially by distancing itself unambiguously from the PLO observer's remarks and by reiterating that racialist comments, of any kind, are totally inadmissible in the proceedings of the Commission - or in any other United Nations body, for that matter. At risk is the credibility and the reputation of the Commission and indeed of the United Nations system as a whole.

In the absence of decisive public action by the Bureau, I am instructed to inform you that the delegation of Israel to the fifty-fourth session of the Commission will find itself unable to participate in the debate on item 4 on the provisional agenda. Israel cannot pass over crude anti-Semitism in silence.

I should be grateful if this letter could be circulated as an official document under items 4 and 12 on the provisional agenda (before the opening of the fifty-fourth session).

[Signed]: Yosef LAMDAN
Ambassador
Permanent Representative

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Note verbale dated 23 February 1998 from the Permanent Mission of the State of Bahrain to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

The Permanent Mission of the State of Bahrain to the United Nations Office at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to enclose herewith a comprehensive statement concerning the position of the Government of Bahrain regarding the Opinion No. 15/1997 adopted by the Working Group on Arbitrary Detention on 19 September 1997.

The Permanent Mission hopes that the enclosed statement* would be circulated to all members of the Commission on Human Rights as an official document under agenda item 8 of the Commission on Human Rights at its fifty-fourth session scheduled to be held in Geneva from 16 March to 26 April 1998.

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* The annex is reproduced as received in the languages of submission only.

Annex

THE STATE OF BAHRAIN
GOVERNMENT RESPONSE
TO
THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS
AND
THE WORKING GROUP ON ARBITRARY DETENTION

RE: 1) A letter of 30th September, 1997 (ref. G/SO 218/2 IB) sent by the Chairman/Rapporteur of the Working Group on Arbitrary Detention, enclosing a copy of Opinion No.15/1997 (Bahrain) adopted by the Working Group on Arbitrary Detention on 19th September, 1997; and

2) Economic & Social Council Document ref. E/CN.4/1998/44/Add.1 of 3rd November, 1997 containing Addendum to the Report of the Working Group on Arbitrary Detention.

1. GOVERNMENT CONCERN

The Government of the State of Bahrain wishes to register its concern that the text of the Working Group's ("WG") Opinion 15/1997 contains serious inaccuracies of fact, erroneous commentary of law and vague assumptions, thereby wrongly giving credence to the mis-information and myths of terrorist propaganda which, in the experience of the Government has, and will, encourage those who are attempting to undermine the security and stability of the independent sovereign State of Bahrain.

2. GOVERNMENT OBJECTION

i) Paragraph 8 [LAWS]

It is apparent from the WG's summary of the Security Laws that the WG has been grossly mis-informed as to the content and effect of the Security Laws. The Government refers to its Response of November, 1996 to the WG's Decision 35/1995 in which it set out its concerns regarding the validity of that Decision and what it regarded as erroneous reporting, particularly in paragraph 9 of the said Decision. The Government repeats its recommendation that the WG refer to the Government Paper on the working of the State Security Laws submitted to the Commission in November, 1992. It is clear that the WG has yet

to heed that recommendation and should the WG require a further copy, the Government would be happy to provide one.

The Government further repeats that, despite terrorist propaganda claims to the contrary, the State Security Law is not used either alone or in conjunction with any other law to deny any individual his right to a fair trial, nor is it used to prevent the peaceful exercise of any individual right or freedom. No one has been arrested for their peaceful activities or beliefs (whether such beliefs are peaceful or not) and all those who have been arrested in connection with the recent civil disturbances have been arrested for violence related activities contrary to specific Articles of the 1976 Penal Code.

The Government has consistently and clearly stated that the State Security Law is an effective anti terrorist measure without which the Government would have no lawful basis upon which to counter terrorism, insurgency, and acts of political violence against the Bahrain community. The State Security Law represents a formidable barrier to the terrorists and is therefore the constant target of terrorist propaganda.

ii) Paragraph 8 [FACTS]

The Government regrets that the WG has failed to take into account the Government's response when formulating its opinion. The Government repeats that none of those arrested are detained arbitrarily, and all issues relating to their detention, trial and release are determined strictly in accordance with the law. No one is detained incommunicado and all are accorded their rights of visitation, representation and medical care in strict conformity with the law.

The four individuals which the Government stated in its response of 1st March, 1997 to have been released were: Mahmoud Abdul Wahed Al-Shehab (released 23rd October, 1996), Mortadha Abdul Nabi Dhaif (released 13th November, 1996), Malek Abdalla (released 26th November, 1996), and Maythem Omran Hussain (released 10th December, 1996).

In addition, the following individuals have been released since the Government's response: Ali S. Mahfoudh S. Mohamed, Mahmoud

Mohammed, Hassan A. Mohammed Hussain (all released on 16th June, 1997), Hussain S. Ahmed S. Hassan, and Ahmed Ali Abdul Shaheed (both released on 17th June, 1997). All of these individuals were held strictly in accordance with the law.

The remaining three individuals named in the Government Response were convicted on 11th October, 1997 of arson contrary to Articles 277(i) and 278 of the 1976 Penal Code. Copies of the indictment and judgment in the case are enclosed. Mohammed S.Y.S. Abdul Wahab was sentenced to four years' imprisonment, Hashim S. Taj S. Hashim was sentenced to two years' imprisonment, and Mahmoud Ahmed Dheif was sentenced to one year's imprisonment and was released on 30th November, 1997. The trial was strictly in accordance with the law, and the accused were granted their full rights of access to legal advice and representation.

iii) Paragraph 9 [ASSUMPTIONS]

The Government is surprised that the WG has reached the conclusions set out in paragraph 9, despite the absence of any evidence to support those conclusions. The Government repeats that prisoners detained either under the 1974 State Security Law or the ordinary criminal laws, are not held incommunicado, but are accorded all their rights of visitation, representation, welfare and medical care strictly in accordance with the law.

iv) Paragraph 10 [FACTS]

In the light of the Government's response, the WG's conclusion that the 8 named individuals, or indeed any person, are detained arbitrarily is entirely unsustainable.

As to the remaining 21 persons alleged to have been detained, the Government wishes to point out that it is a common propagandist tactic to fabricate allegations of arrest and detention. There is no record of the remaining 21 persons ever being detained or held in custody. Accordingly, the Government believes that there is no justification for these cases being kept pending by the WG.

3. **UPDATE**

To assist the WG, the Government wishes to bring the following matters to the WG's attention.

a) Background

As the WG is well aware, Bahrain has since the latter part of 1994 been facing a foreign-backed terrorist campaign aimed at destabilizing the country and installing a fundamentalist theocratic regime. These are indisputable facts, supported by overwhelming evidence.

b) Present situation

The current situation in Bahrain is normal, although sporadic acts of violence continue, as does the distribution of foreign-sourced propaganda.

c) Originating sources

It is beyond doubt that the terrorists enjoy the support of a well organized group of foreign-based propagandists, who specialize in fabricating allegations of human rights abuses, having absolutely no foundation in reality, with a view to enhancing their claims. The Government of Bahrain continues to warn that the source of these allegations be recognised, and that such terrorist propaganda be treated with the utmost caution.

The origins and background of these organisations have been fully documented to the Commission on numerous occasions, [including response ref. LA/4/9/WG COMS 96 of 7th May, 1996 to the Working Group on Communications ref. G/SO 215/13 of 10th October, 1995 and in response to the Secretariat of the United Nations (Centre for Human Rights) Ref. G/SO 215/1 BAHR 913 of 14th August, 1997].

The Government would be grateful if this letter could be circulated before the Working Group on Arbitrary Detention and before the 54th Session of the Commission on Human Rights with reference to Item 8 of the provisional agenda of the Commission, and is pleased to offer to both bodies the assurances of its highest consideration.

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